

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
WEST PALM BEACH DIVISION  
Case No.: 9:23-cv-81150-RLR**

ANDREW TATE AND TRISTAN TATE,

Plaintiffs

vs.

EMMA GABBEY, MONA TABARA GABBEY,  
WILLIAM GABBEY, ALIONA UNTILA,  
AND MATTHIEU MARTELLY

Defendants.

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**AMENDED NOTICE OF REMOVAL**

Defendants EMMA GABBEY, MONA TABARA GABBEY, WILLIAM GABBEY, ALIONA UNTILA, and MATTHIEU MARTELLY, through their attorneys, hereby submit this Amended Notice of Removal for the action from the Circuit Court of the Fifteenth Judicial Circuit in and for Palm Beach County, Florida to the United States District Court for the Southern District of Florida, West Palm Beach Division. In support of this Amended Notice, Defendants further state:

**BACKGROUND**

1. On July 11, 2023, Plaintiffs commenced a civil action in the Circuit Court of the Fifteenth Judicial Circuit in and for Palm Beach County Florida Civil Division (“State Court”), captioned Andrew Tate and Tristan Tate v. Emma Gabbey, Mona Tabara Gabbey, William

Gabbey, Aliola Untila, and Mathieu Martelly (the “Action”). The matter is assigned Case No. 50-2023-CA-011904-XXXX-MB.

2. In the Action, the Plaintiffs, Andrew and Tristan Tate, allege defamation, defamation per se, commercial defamation, false imprisonment, tortious interference of a business relationship, civil conspiracy, intentional infliction of emotional distress, and negligent infliction of emotional distress—all in connection with an investigation and ongoing prosecution of the Plaintiffs in Romania for sex trafficking and other crimes (“Romanian Investigation”). The Plaintiffs seek \$5,000,000 in damages.

3. This Action appears to be an attempt to retaliate against witnesses for cooperating with the Romanian Investigation. Defendants maintain that they sought to cooperate with the Romanian Investigation and/or preserve the safety of Emma Gabbey and Aliona Untila. Defendants deny that they have taken any action upon which liability can be premised and reserve the right to raise all defenses, immunities, and counterclaims.

### **PROCEDURAL BACKGROUND**

4. Pursuant to 28 U.S.C. § 1446, true and accurate copies of “all process, pleadings, and orders” in the Action were filed in Defendants’ Notice of Removal (DE 1, filed 08/14/23) and are attached thereto as Exhibit #1. In addition to the state-court filings found in DE 1, Ex. 1, true and accurate copies of all state court filings that have been added since August 14, 2023 are attached to this Amended Notice as Exhibit A.

5. Defendants have not pled, answered, or otherwise appeared in the Action, except for Defendants Willam and Mona Gabby’s motion for enlargement of time to respond to the pending pleading.

6. Defendants Mona and William Gabbey and were served with the Complaint and Amended Complaint on July 17, 2023. As of the time of the filing of this Notice, Defendants Emma Gabbey, Aliona Untila, and Matthieu Martelly have not been served.

7. The Defendants original Notice of Removal was timely pursuant to 28 U.S.C. § 1446(b), having been filed within 30 days after service of the Complaint on Defendants William and Mona Gabbey. The remaining Defendants have not yet been served.

8. Defendants will promptly serve a copy of this Notice on counsel for the Plaintiffs and will file a copy of this Amended Notice. A copy of the Notice to the State Court was filed with the original Notice of Removal found in DE 1, Ex. 2 of this Court's docket.

9. Defendants have filed and served, simultaneous with this Amended Notice, amended disclosures pursuant to Federal Rule of Civil Procedure 7.1(a)(2), which are attached as Exhibit B.

10. Defendants filed and served a civil coversheet, with the original Notice of Appeal. It can be found at DE 1, Ex. 4 of this Court's docket.

11. This Action is properly removable to the United States District Court for the Southern District of Florida, pursuant to 28 U.S.C. §§ 1446(a), 1442(a), and 1442a because the State Court, in which this Action was commenced, lies within the Southern District.

### **JURISDICTION**

12. This Action is within the original jurisdiction of this Court under 28 U.S.C. § 1332. Section 1332(a) provides that this Court has "original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between . . . citizens of a State and citizens or subjects of a foreign state." As explained below, this Action meets these requirements and therefore may be removed to this Court

pursuant to 28 U.S.C. § 1441. This Action is also removable under 28 U.S.C. §§ 1442 and 1442a because it is against an officer of the United States and a member of the United States Armed Forces for acts undertaken under color of his office.

13. All Defendants consent to removal.

14. As set forth below, this Action satisfies the requirements of 28 U.S.C. §§ 1332, 1441, 1442 and 1442a, therefore, may be removed to this Court.

15. There is complete diversity of citizenship. As alleged in their Amended Complaint, the Plaintiffs Andrew and Tristan Tate reside in Romania. The country and state of the Plaintiffs' domicile is unclear, and the Defendants request jurisdictional discovery to determine where they are domiciled.

16. Defendant Emma Gabbey resides in the United States. The Amended Complaint incorrectly alleges that she is a resident of Palm Beach County, Florida. Ms. Gabbey does not reside in Florida but is a resident of [REDACTED]

17. Defendants Mona and William Gabbey are residents of Palm Beach County, Florida. Defendants assert that Mr. and Mrs. Gabbey have not been properly joined in this action and that the claims against them are meritless.

18. Defendant Aliona Untila does not reside in the United States or Romania.

19. Defendant Matthieu Martelly is a resident of Palm Beach County, Florida. Defendant Martelly is a Sergeant in the United States Marine Corps Reserves. Defendants assert that Sergeant Martelly has not been properly joined in this action and that the claims against him are meritless. In the events relevant to this Action, Sergeant Martelly acted under color of his office.

20. The amount in controversy here exceeds the \$75,000 threshold. The complaint states that Plaintiffs are seeking \$5,000,000 in damages from the Defendants.

21. For the foregoing reasons, the Court has subject matter jurisdiction over this Action, and Defendants hereby remove this Action pursuant to 28 U.S.C. §§ 1332, 1441, 1442, 1442a, and 1446.

Dated: August 25, 2023

Respectfully submitted,

By: /s/ Danielle Bianculli Pinter

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**Certificate of Service**

I hereby certify that on August 25, 2023, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record identified on the below Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

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